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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,379	09/26/2003	Yong Cheol Park	0465-1035P	6903
2292 7590 08/16/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER PHAM, VAN T	
			ART UNIT 2627	PAPER NUMBER
			NOTIFICATION DATE 08/16/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

# Office Action Summary

Application No.

10/670,379

Applicant(s)

PARK ET AL.

Examiner

VAN T. PHAM

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,10-13,26,32,33,36,37,48,49 and 52-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,10-13,26,32,33,36,37,48,49 and 52-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Arguments***

1. Applicant's arguments filed on 06/01/2007 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

((e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-5, 10-13, 26, 32-33, 36-37, 48-49, 52-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Ko (US 2006/0203684).

Regarding claim 1, Ko discloses a method for managing an optical recording medium having at least one defective area in a user data area, said method comprising:

recording a temporary defect list in a temporary defect management area, wherein the temporary defect list is recorded as defect management information for managing the at least one defective area (see Figs. 3-5); and

recording at least one temporary defect list pointer as position information indicating a start position of a respective recording unit in the recorded temporary defect list in the temporary defect management area (see Figs. 7-11).

Regarding claims 4-5, see Figs. 4, 5 and [0067], discloses the method according to claim 1, wherein each recording unit of the temporary defect list is from one cluster to eight clusters.

Regarding claim 10, see Figs. 9-11 and [0067]-[0095], discloses the method according to claim 4, wherein the temporary defect list has a recording size of at least one cluster, and the temporary defect list further includes information that indicates the number of clusters currently used.

Regarding claims 11, 52-54, Ko discloses the method according to claim 1, wherein the temporary defect list includes a header for identifying the corresponding temporary defect list or a single header is provided for each recording unit of the temporary defect list (see Figs. 8-11).

Regarding claim 12, see Figs. 8-11, discloses the method according to claim 11, wherein a single header is provided irrespective of the size of the temporary defect list.

Regarding claim 13, discloses the method according to claim 1, wherein the temporary defect list is cumulatively with a previous temporary defect list in the temporary defect management area (see Figs. 9-11).

Regarding claims 26, 48, and 58 see rejection above of claim 1 (noted that claim 58 comprising at least two temporary defective list pointers as position information indicating respectively positions of at least two recording units in the temporary defect list in the temporary management area, see Figs. 8-11).

Regarding claims 32-33, see rejection above of claim 4-5, respectively.

Regarding claims 36-37, see rejection above of claims 11-12, respectively.

Regarding claim 49 see rejection above of claim 13.

Regarding claims 55-57, see Figs. 3-5 and 8-11, discloses the method according to claim 1, wherein the number of temporary defect list pointers for the temporary defect list is equal to the number of recording units in the same temporary defect list.

### ***Conclusion***

Art Unit: 2627

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Cited References*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to spare are with a predetermined capacity for a detective sector allocated in each zone, recording apparatus, and recording method; Information recording medium, recording apparatus, reproduction apparatus, recording method, reproduction method and defect management method.

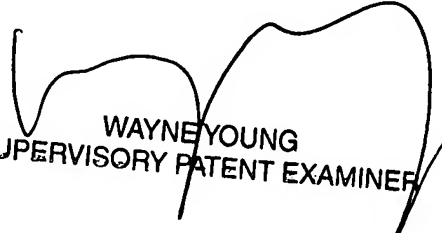
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Friday from 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

  
WAYNE YOUNG  
SUPERVISORY PATENT EXAMINER